

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BOBBY RAY GRANT, JR.,

Petitioner,

v.

PATRICK COVELLO, *et al.*,

RESPONDENT.

Case No. 2:21-cv-01878-WBS-JDP (PC)

ORDER

On April 26, 2023, I submitted findings and recommendations that the third amended complaint be dismissed without leave to amend for failure to state a claim. ECF No. 22. On May 12, 2023, plaintiff filed objections that expanded upon his allegations and provided additional detail about his claims. Out of an abundance of caution, I will withdraw my findings and recommendations and offer plaintiff one final opportunity to file an amended complaint.

Accordingly, it is ORDERED that:

1. The findings and recommendations at ECF No. 22 are VACATED and withdrawn.
2. Within thirty days of this order's entry, plaintiff may file an amended complaint.

It should be titled "Fourth Amended Complaint." If plaintiff does not file an amended complaint, I will re-instate my findings and recommendations that this action be dismissed for failure to state a claim.

3. The Clerk of Court shall send plaintiff a complaint form with this order.

1  
2 IT IS SO ORDERED.

3  
4 Dated: May 17, 2023

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE